

OFFICIAL FILE

ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS



APPELLATE COURT

THIRD DISTRICT

OTTAWA

140
FILE

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ILLINOIS
COMMERCE COMMISSION

DEC 14 2005

At a term of the Appellate Court, begun and held at
Ottawa, on the 1st Day of January in the year of our Lord
Two thousand five, within and for the Third District of
Illinois:

Present -

HONORABLE KENT SLATER, Presiding Justice

HONORABLE DANIEL L. SCHMIDT, Justice

HONORABLE TOBIAS G. BARRY, Justice

HONORABLE TOM M. LYTTON, Justice

HONORABLE MARY M. McDADE, Justice

HONORABLE MARY K. O'BRIEN, Justice

HONORABLE WILLIAM E. HOLDRIDGE, Justice

GIST FLESHMAN, Clerk

ILLINOIS COMMERCE COMMISSION
CHIEF CLERKS OFFICE

DEC 14 2005

RECEIVED

STATE OF ILLINOIS



APPELLATE COURT

THIRD DISTRICT

OTTAWA

3-05-0480

DYNEGY INC.,
Petitioner-Appellant,
v.

ICC No. 04-0476

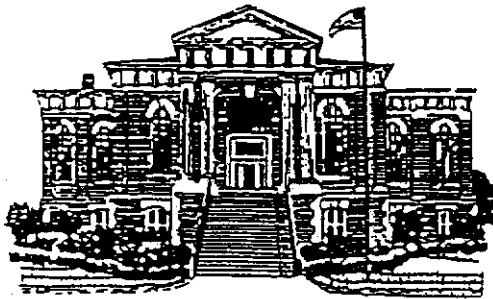
ILLINOIS COMMERCE COMMISSION,
A.E. STALEY MANUFACTURING COMPANY,
ARCHER-DANIELS-MIDLAND COMPANY,
CATERPILLAR, INC., TEEPAC, LLC, THE
PEOPLE OF THE STATE OF ILLINOIS BUSINESS
ENERGY ALLIANCE AND RESOURCES, INC.,
CONSTELLATION NEWENERGY-GAS DIVISION,
CITIZENS UTILITY BOARD, AND ILLINOIS
POWER COMPANY, d/b/a AMERENIP,
Respondents-Appellees.

BE IT REMEMBERED, that, to-wit: On the 5th day of
October, 2005 an Order of the aforementioned Court was entered of
record and in accordance with the views expressed in the attached
Order this appeal is Dismissed on Motion of Appellant.

In accordance with Supreme Court Rule 368, this mandate
is issued.

Costs to be taxed in accordance with the law.

STATE OF ILLINOIS
THIRD DISTRICT APPELLATE COURT 140



FILE

GIST FLESHMAN
Clerk of the Court
815 434-5050

1004 Columbus Street
Ottawa, Illinois 61350
TDD 815 434-5068

10/05/05

Joseph L. Lakshmanan
Dynergy Inc.
2828 N. Monroe
Decatur, IL 62526

RE: General No. 3-05-0480
ICC No.: 04-0476
County of
Dynergy Inc. v. ICC, et al.

The Court has this day entered in the above entitled cause the following order:

Motion of Appellant, Dynergy Inc., to dismiss docket no. 3-05-0480 without prejudice to (1) Illinois Power's petition for review, Case No. 3-05-0479, continuing as previously scheduled and (2) Dynergy participating in Case No. 3-05-0479 in the same manner otherwise permitted by Respondents is ALLOWED

GIST FLESHMAN, Clerk
Appellate Court
Third District

cc: Mr. Owen E. MacBride
Ms. Samantha C. Norris
Mr. Thomas M. Byrne
Mr. Edward C. Fitzhenry
Hon. Lisa Madigan
Mr. John P. Kelliher
Mr. Randall Robertson
Mr. Eric Robertson
Mr. Ryan Robertson

Mr. Melville Nickerson
Mr. Robert J. Kelter
Mr. David I. Fein
Mr. Stephen J. Moore
Clerk of the Illinois Commerce
Commission

STATE OF ILLINOIS



APPELLATE COURT

THIRD DISTRICT

OTTAWA

STATE OF ILLINOIS,)
APPELLATE COURT,) ss.
THIRD DISTRICT)

As Clerk of the Appellate Court, in and for said Third District of the State of Illinois, and the keeper of the Records and Seal thereof, I do hereby certify that the foregoing is a true, full and complete FINAL ORDER of the said Appellate Court in the above entitled cause, now of record in my said office.

In Testimony Whereof, I hereunto set my hand and affix the seal of said Appellate Court, at Ottawa, this 16th day of November in the year of our Lord two thousand and five

Miss Flesherman

Clerk of the Appellate Court

STATE OF ILLINOIS



APPELLATE COURT

THIRD DISTRICT

OTTAWA

A NOTICE OF ISSUANCE OF MANDATE

140
FILE

DATE: 11/16/05

TO: Mr. John P. Kelliher
Special Assistant Attorney General
160 North LaSalle, Suite C-800
Chicago, IL 60601

CASE NO. 3-05-0480

ICC No. 04-0476

TITLE: DYNEGY INC.,
Petitioner-Appellant,
v.
ILLINOIS COMMERCE COMMISSION,
A.E. STALEY MANUFACTURING COMPANY,
ARCHER-DANIELS-MIDLAND COMPANY,
CATERPILLAR, INC., TEEPAC, LLC, THE
PEOPLE OF THE STATE OF ILLINOIS BUSINESS
ENERGY ALLIANCE AND RESOURCES, INC.,
CONSTELLATION NEWENERGY-GAS DIVISION,
CITIZENS UTILITY BOARD, AND ILLINOIS
POWER COMPANY, d/b/a AMERENIP,
Respondents-Appellees.

This is to notify you that, pursuant to Supreme Court Rule 368, the Mandate in the above cause has been issued to the Clerk of the Illinois Commerce Commission for filing.

Mark Fleischman

Clerk of the Appellate Court

STATE OF ILLINOIS



APPELLATE COURT

THIRD DISTRICT

OTTAWA

A NOTICE OF ISSUANCE OF MANDATE

DATE: 11/16/05

TO: Illinois Commerce Commission
160 N. LaSalle Street
Suite C-800
Chicago, IL 60601

CASE NO. 3-05-0480

ICC No. 04-0476

TITLE: DYNEGY INC.,
Petitioner-Appellant,
v.
ILLINOIS COMMERCE COMMISSION,
A.E. STALEY MANUFACTURING COMPANY,
ARCHER-DANIELS-MIDLAND COMPANY,
CATERPILLAR, INC., TEEPAC, LLC, THE
PEOPLE OF THE STATE OF ILLINOIS BUSINESS
ENERGY ALLIANCE AND RESOURCES, INC.,
CONSTELLATION NEWENERGY-GAS DIVISION,
CITIZENS UTILITY BOARD, AND ILLINOIS
POWER COMPANY, d/b/a AMERENIP,
Respondents-Appellees.

Dear Clerk:

Pursuant to Supreme Court Rule 368 I am returning to you for filing the Mandate in the above entitled cause.
Please sign the enclosed copy and return to this office.

Mick Fleishman

Clerk of the Appellate Court

Received Mandate: _____

By: *JOE P. T...*